IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

VICTOR LAMAR O'NEAL,

Plaintiff,

v. : Civil Action No. 5:08-CV-76 (HL)

MATT INGRAM, RONNIE E. SMITH, and SANDRA THURSTON,

Defendants.

ORDER

The Recommendation of United States Magistrate Judge Claude W. Hicks, Jr., entered May 21, 2009 (Doc. 40), to dismiss the above-captioned case is before the Court. Plaintiff has not filed written objections to the Recommendation, as permitted by 28 U.S.C. § 636(b)(1). The record reveals that the Recommendation was mailed to Plaintiff at his last known address, but was returned as undeliverable (Doc. 41). Plaintiff has had two previous mailings from this Court returned as undeliverable (Docs. 38 and 39). By Order entered April 9, 2008, Plaintiff was directed to keep the Court advised of his current address; it appears that Plaintiff has failed to fulfill his obligations under that directive.

Currently pending in this case is Defendants' Motion to Compel or for an Order to Show Cause (Doc. 26). The Magistrate Judge issued an Order on September 10, 2008, instructing Plaintiff to file a response to this motion. While Plaintiff corresponded

with the Court regarding other matters following the September 10, 2008 Order (Docs.

31 and 34), he did not file a substantive response to Defendants' motion.

The Magistrate Judge recommends that this case be dismissed with prejudice

in light of Plaintiff's failure to comply with the September 10, 2008 Order, failure to

diligently prosecute this action, and failure to keep the Court advised of his current

address. In the absence of a timely filed objection, a district court need only satisfy

itself that there is no clear error on the face of the record in order to accept a

Recommendation put forth by the Magistrate Judge. After having reviewed the record,

the Court is satisfied that no clear error has occurred. Therefore, the Recommendation

is accepted, and this action is **DISMISSED WITH PREJUDICE**. Defendants' Motion

to Compel or for an Order to Show Cause (Doc. 26) is **DENIED AS MOOT**.

SO ORDERED, this the 1st day of July, 2009.

s/ Hugh Lawson

HUGH LAWSON, SENIOR JUDGE

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